

Remarks

The forgoing amendment has been made after a careful review of the present application, the references of record, and the Office Action dated February 8, 2005. In the Office Action, the examiner has rejected claims 1 through 3 under 35 USC 103(a) as unpatentable over Britzke et al in view of Jelinek. Claims 4 through 15 stand allowed.

In the forgoing amendment, the applicant has amended claim 1 to further state that no portion of the compressible material extends forwardly of the forward surface of the washer. The applicant made certain other minor amendments to the claims to correct technical errors.

The applicant hereby traverses the rejection of amended claim 1 and claims 2 and 3 as being unpatentable over Britzke in view of Jelinek. The Britzke reference was cited as disclosing a tool with a cylindrical shank, a sleeve fitted on the shank and a wear washer fitted around the shank and the retainer sleeve. Jelinek is cited as disclosing a washer with a layer of compressible material bonded to the inner surface of the washer. The device of Jelinek, however, serves a different purpose than the device of the present invention and therefore has structural differences. Specifically, the device of Jelinek is a self-centering seal that fits around the shank of a threaded fastener such as a bolt. The Jelinek device fits between the lower surface 42 of the head of the fastener and the upper surface 46 of the object to which it is attached. In order to seal the two surfaces 42, 46, the compressible material is "tear drop shaped" (see Abstract).

When seen in cross-section, as shown in Fig. 3 of Jelinek, the compressible material has “projecting portion 24...projects axially beyond both upper and lower surfaces 14, 15 thereof,” see column 2, lines 41 – 44. The elastomeric material of the projecting portion 24 extends beyond the upper surface 14 so as to be engagable by the lower surface 42 of the bolt head and extends beyond the lower surface 15 so as to be engagable with the surrounding upper surface 46 of the housing to which it is attached. As the parts are tightened together, the projection 24 is compressed between the surfaces 42, 46 as shown in Fig. 5 thereby providing the seal for which the device is intended.

The washer having a layer of compressible material bonded to the inner surface thereof of the present invention retains the washer on the sleeve 40 before the tool is assembled into the mounting bore of a tool holder. Once the parts are assembled into a tool holder, the layer of compressible material abuts against the surface of the tool holder but not against the lower planar rear surface 30 of the radial flange 28. Accordingly, when the parts are assembled, the compressible member 52 of the present invention will increase the shear resistance between the washer and the tool holder but will not increase the resistance between the rearward surface of the radial flange and the washer and thereby provide resistance to prevent the rotation of the washer with the tool.

In the forgoing amendment, the applicant has clarified that no portion of the compressible material extends forwardly of the forward surface of the washer, which is a necessary element of the invention because it enables the layer of compressible material to lock the washer against rotation with the tool.

With the forgoing amendment, the applicant asserts that the structure defined by amended claim 1 clearly defines over the combination of Britzke and Jelinek. Furthermore, the present invention is not obvious over the combination of Britzke and Jelinek because a washer having a layer of compressible material as set forth in claim 1 would not provide the desired sealing qualities of the device of Jelinek and therefore to modify the Jelinek device to conform with claim 1 would destroy or inhibit its ability to perform the purposes for which the Jelinek device was intended.

In view of the forgoing, the applicant submits that amended claim 1 clearly defines over the art of record and is allowable. Since claim 2 and 3 are dependent upon claim 1, these claims are also allowable.

With the forgoing amendments, the applicant believes that all the claims of the present invention are now in condition for allowance and favorable reconsideration and allowance is requested.

Respectfully submitted,



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